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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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OFFICE OF RESEARCH

Room 213, Blatt Building, P.O. Box 11867, Columbia, S.C. 29211, (803) 734-3230

POTENTIAL ISSUES FOR 1999

NOTE: The following is a list of some of the major issues anticipated for the 1999 legislative year. These issues were identified and summarized with the assistance of the House committee staff. The list is not exhaustive.

VIDEO POKER

In 1998, the SC House passed a bill which would have banned video poker in the State. The Senate considered such a ban, but did not vote on the legislation. Short of a ban, lawmakers have also considered proposals to tighten regulations on the video poker industry and to tax revenues on the gaming. In South Carolina, owner/operators of the machines pay a \$4,000 biennial license fee for each machine located in the state, but the revenues from the games are not taxed.

Since the 1997-98 legislative session ended, South Carolina elected a new Governor who supports holding a statewide and binding referendum on whether or not to ban the industry in South Carolina. If the people vote to ban video poker, the Governor-elect supports removing it from our state. If the people vote to keep it, the Governor-elect supports prohibiting future growth of the industry, imposing stronger regulations on it, and creating a tax structure on the revenues, with the funds to be used for education or tax cuts.

On November 19, 1998, the SC Supreme Court issued a long-awaited, landmark opinion on the video poker industry, ruling that it is not a lottery, and therefore it is not prohibited by the SC Constitution.

Legislative activity on this issue for 1999 could include initiatives for a video poker referendum, for new controls and taxes on video poker, and/or for a ban of the industry.

STATE LOTTERY

In 1998, the General Assembly considered proposals to amend the South Carolina Constitution so as to establish a state-conducted lottery, but neither the House nor the Senate adopted such a proposal. The House Ways and Means Committee reported out a bill recommending establishment of a state-conducted lottery, with proceeds directed to fund scholarships for state residents to attend South Carolina's post-secondary institutions. The likelihood of legislative reconsideration of this issue in 1999 is heightened by the fact that establishing a state lottery is a major goal of Governor-elect Hodges.

CASINO BOAT GAMBLING

In October of 1998, Federal District Judge David Norton issued a ruling stating that casino gambling ships may dock at South Carolina ports and operate offshore South Carolina's coast. The judge based his decision on the absence of state legislation specifically prohibiting offshore casino gambling. These casino boat companies operate what are commonly referred to as "cruises to nowhere." The boats dock at coastal ports and proceed to travel outside of the state's territorial waters into international

waters - typically 3 miles offshore. The ships then proceed to cruise in the international waters and offer Las Vegas style gambling with craps, roulette, blackjack, etc.

Earlier in the 1990's, the federal government passed a little known federal law that allowed offshore casino boat gambling in all coastal states UNLESS the individual states passed legislation that specifically prohibited casino boat gambling. The South Carolina General Assembly was under the assumption that its existing laws satisfactorily prohibited casino boat gambling off South Carolina's coastline. However, a casino boat operator from Florida filed a lawsuit in federal court to challenge the validity of the South Carolina statutes, and Judge Norton ruled that South Carolina needed to pass another law specifically addressing casino boat gambling.

Legislation has already been drafted that will specifically ban casino gambling boats from docking at South Carolina's coastal piers. This legislation was prefiled in December and will be addressed and debated early in the 1999 legislative session. This ban, if passed into law, prohibits the operation of the "cruises to nowhere" off the South Carolina coast.

EDUCATION REFORM AND EDUCATION FUNDING

Last year, the General Assembly passed the SC Education Accountability Act of 1998. This comprehensive legislation requires establishment of a performance-based accountability system for public education. Major components of the legislation include establishing performance standards, standards-based assessment of students' progress, creating academic plans for students who do not meet standards, class-size reduction, grading of schools with assistance/intervention for poorly performing schools, establishing alternative schools, and establishing homework centers.

\$36.2 million was included in the 1998-99 State Budget to help fund these initiatives. Currently there are several initiatives in the Accountability Act under review by the Education Oversight Committee (EOC) and the State Board of Education. These areas include science assessment and standards; student academic plans; and summer school. Based on input from the education field, a recommendation to continue another year of field testing in science combined with a review of the standards has been made by the EOC to the State Board. Additionally, the committee has received testimony concerning the difficulties with implementing the student academic plans section of the act. Projections of district costs for providing summer school to students not performing at grade level have also been presented to the Education Oversight Committee. It is likely that the above-mentioned programs, as well as the overall implementation, effectiveness, and funding of the SC Education Accountability Act of 1998 will frame much of the education debate in 1999.

SCHOOL CRIME

School safety has become a higher-profile issue due to recent incidents of violent crime in schools around the country. The General Assembly passed the 1998 South Carolina Safe Schools Act, which provides the governing body of a municipality or county with the authority to designate school resource officers to work within the local government's school systems. Building on that, Lt. Governor Robert Peeler proposed in August of 1998, a Safety in Our Schools Plan which would put a law enforcement

officer in every public high school, junior high and middle school in the state. The cost of his program is estimated at \$10 to \$12 million a year after it is up and running. Lt. Governor Peeler has indicated that he plans to push for a commitment to such a program in 1999.

Also, Governor-elect Jim Hodges has expressed his support for combatting school crime in our state. His recommendations on this issue include a proposal that any South Carolina school child who is caught carrying a firearm to school, instead of merely being expelled from school and allowed to go home, should be subjected to a mandatory two-week psychological examination and parent-child counseling during the incarceration in a juvenile detention facility.

THE 1999-2000 STATE BUDGET

The Board of Economic Advisors released its official preliminary revenue estimates for 1999-2000 on November 10, 1998. Total General Fund revenue is forecast to grow 4.9% in Fiscal Year (FY) 1998-99 and 3.3% in FY1999-2000. The total "new" base revenue estimate for FY1999-2000 is \$279,945,143. If the non-recurring funding sources are included, then the total estimated available revenue for FY 1999-2000 would be \$580,975,084, which includes \$91,766,322 from the Capital Reserve Fund.

The cost to fund basic annualizations would be \$236 million. This does not include statutory increases such as the Education Finance Act, local government formula, tax relief, client growth, and any new programs. (NOTE: An annualization occurs for a variety of reasons. These reasons include: 1) the planned loss of revenue, 2) funding recurring programs with non-recurring dollars, 3) funding items partially in FY 1998-1999 which will have to be funded for a full-year in FY 1999-2000, 4) funding items required by the constitution or statute to be funded at a level computed by a set formula, 5) funding expected increases in a program to maintain the service and growth, and 6) funding capital items with multi-year funding requirements.) It should be noted that not all annualizations have to be funded. Whether or not to fund an annualization is a determination of the General Assembly.

CAPITAL NEEDS OF THE STATE

Each year the General Assembly passes appropriations bills which provide for the expenditure of non-recurring state revenue for state government projects. One source of non-recurring funds is the Capital Reserve Fund. This is a "rainy day" fund set aside each year in case state revenue falls short of meeting the approved operating budget of the State. In the event these funds are not needed for a shortfall, they can be appropriated for capital projects, equipment or other non-recurring funding needs. In addition to these funds, if state revenues exceed the adopted appropriations for the state budget, surplus funds are then available for the General Assembly to appropriate the following year. For the fiscal year just ending, surplus funds total \$82 million. When the General Assembly reconvenes in 1999, the Ways and Means Committee will begin meeting to develop legislation for the appropriation of these non-recurring funds for the capital and other non-recurring funding needs as requested by state agencies.

STATE PERFORMANCE AUDIT OF STATE GOVERNMENT

During the past year, under the direction of the State Performance Audit Steering Committee chaired by the Lieutenant Governor, a consultant firm has been conducting a comprehensive audit of state government. The firm has been looking at state agency efficiency and effectiveness. For some sectors of state government, studies have been completed and reports have been issued which identify cost savings and cost avoidance opportunities. For example, in the public education sector, the report has identified \$2.9 million in possible savings through privatization of food services, and by sharing administrative costs, Technical Education Colleges can potentially save \$2 to \$10 million. For the health sector agencies, the report recommends the expanded use of managed care for Medicaid services to reduce costs. These findings will likely be discussed by members of the General Assembly in 1999.

POSSIBLE REVISIONS TO THE SC TAX CODE

SC Code of Laws, Section 2-41-5, et seq., establishes and assigns duties and powers to a nine member Tax Study Commission, comprised of three appointed Senators, three appointed House members, and three non-legislative gubernatorial appointees. This joint committee agreed to the following mission: "To thoroughly research our state's tax laws to determine their equitableness to the citizens and businesses of South Carolina, their competitiveness in attracting business to South Carolina, and their soundness in maintaining the level and quality of services required to insure future economic growth and vitality."

Major recommendation in this joint committee's recently-completed report to the General Assembly include: reduce or eliminate the State's income tax on senior citizens; reduce or eliminate the sales tax on food for home consumption; modify the homeowners' property tax relief plan to make it more equitable; take measures to assure that no person or entity loses real property as a result of inordinately high tax increases; pass legislation for consideration of a constitutional amendment to ensure that highway trust funds can only be used for their original purpose; prohibit local governments from imposing a tax unless specifically provided for by law; give counties the flexibility to reduce the assessment ratio on personal property to a lower assessment ratio and allow counties to establish exemptions to personal property taxes to address the specific needs of their citizens; provide corporate income tax credits to companies for research and development done in South Carolina; allow software development and biotech firms to have access to the State Jobs Tax Credit and Job Development Credits; and amend state property tax laws to allow quicker depreciation on personal property in the technology field that becomes obsolete faster than traditional manufacturing equipment.

PERSONAL PROPERTY TAX RELIEF

Elimination of car taxes, or at a minimum giving counties more flexibility to cut these taxes, continues to be a prominent constituent issue. This issue was debated in 1998, when the House passed legislation proposing a constitutional amendment to freeze all personal property taxes at their 1998 levels, estimated at \$1.3 billion. Growth in state revenue would have been used to first eliminate personal property taxes on motor vehicles, then all other property taxes would have been gradually eliminated, taking about 23 years. The cost of personal auto tax relief was estimated to be \$488 million

for 1998-99. If business vehicles are included (not counting large trucks), the figure increases to \$514 million. Citizen interest makes this a likely issue to be discussed again in 1999. Proposals will need to address whether to replace some or all of the lost revenue that would have been used for local governments and school districts.

HOMEOWNER PROPERTY TAX RELIEF

Maintaining the current homeowner property tax relief program will likely continue to be a legislative priority in 1999. Modification of the program in order to make it more equitable, is a recommendation of the Tax Study Commission. Annualizing and maintaining the program cost the state an additional \$30 million for Fiscal Year 1998-99, bringing the total appropriation for homeowner's property tax relief to \$240 million.

SENIOR CITIZEN INCOME TAX RELIEF

According to the Department of Revenue, taxpayers no longer have to make an election for the retirement income deduction. In the first year retirement income is received, taxpayers may claim an income deduction of up to \$3,000 of retirement income. When taxpayers turn 65, they may take a \$10,000 deduction from retirement income.

All taxpayers at the age of 65 are allowed a deduction of up to \$11,500 from any taxable income. However, the \$11,500 must be reduced by any retirement deduction claimed. A surviving spouse is allowed to take a \$10,000 deduction from retirement income as if the spouse were still living, but is not allowed to take the \$11,500 deduction for the deceased spouse.

If one spouse is 65 or older and one spouse is under 65, the couple will be entitled to a deduction of up to \$11,500.

Finally, taxpayers who did not make an irrevocable election on their retirement income may go back and amend their returns to claim the \$3,000 deduction for the years in which the deduction was not claimed. Taxpayers may claim a refund three years after the return was due or filed, whichever is later. For the 1994 year only, the deadline for amending a return has been extended to April 15, 1999.

Reduction or elimination of income tax on senior citizens is a recommendation in the recently-completed report of the Tax Study Commission. If the General Assembly were to eliminate income tax for all citizens 65 and over, state revenue would be reduced by approximately \$65 million.

AUTOMOBILE INSURANCE REFORM

In 1997, the General Assembly passed a sweeping overhaul of the State's auto insurance system, giving insurers greater freedom to set drivers' rates, classifications, groupings, discount plans, and penalty plans for accidents and/or convictions. The new law is designed to eliminate the subsidy by good risk drivers of high risk and bad risk drivers. Beginning March 1, 1999, the new law will begin the process of permanently eliminating recoupment fees (fees currently paid by all drivers to help cover the costs of accidents by about 44% of the State's drivers); the South Carolina Reinsurance Facility will be abolished; and insurers will no longer be required to write every South Carolina

driver's automobile liability insurance coverage. Instead, insurers will be allowed to decide whether or not to sell automobile insurance based upon the individual risk associated with each driver and automobile.

Insurers are filing rate proposals with the SC Department of Insurance. Some insurers have indicated that they plan to increase the number of classifications they will use to rate a driver's risk, and they will also create their own systems of rewarding and penalizing customers. There has been speculation that during the first year of transition toward the new system, many drivers with safe-driver discounts may pay more than they have previously paid for coverage and their liability premiums and recoupment fees may go up. Also, there is concern that under the new system, drivers with a DUI record could save money on premiums. If such situations should occur, legislative initiatives to address the problems are likely to be considered during the 1999 legislative session.

MAGISTRATES' COURT REFORM

The House passed a bill in 1998 which would have reformed South Carolina's magistrate's court system. This bill, which increased educational and other required qualifications for magistrates, and which revised the manner in which magistrates would be paid, did not pass the Senate. This issue is likely to be revisited in 1999.

TRUTH IN SENTENCING/ADVISORY SENTENCING GUIDELINES

Legislation concerning sentencing guidelines passed the House (and passed Senate Judiciary) last session. This legislation extended the provisions of Truth in Sentencing to all crimes in South Carolina requiring that all offenders serve a minimum of 85% of their sentence. (Act 83 of 1995 provided Truth in Sentencing for only those offenses with maximum possible penalties of twenty years or more.) The legislation considered in 1998 also established Advisory Sentencing Guidelines to complement Truth in Sentencing for all offenses with maximum possible penalties of one year or more. Guidelines weigh the seriousness of the current offense with the offender's prior record to determine an appropriate sentence. Generally, the Guidelines recommend longer prison sentences for more serious and violent offenders while recommending community punishments for less serious offenders.

CAMPAIGN FINANCE DISCLOSURE REFORM

In the recent elections, controversy arose over Campaign Finance Disclosure and what is commonly referred to in the news media as "soft money." Unlike "hard money" that is contributed directly to a candidate's campaign account and is traceable to the source, "soft money" is indirectly given to the candidate's campaign fund, is virtually untraceable to the source, and is not required to be reported.

Under the current law candidates for statewide offices are limited to maximum individual contributions of \$3,500. Candidates for other offices are limited to maximum contributions of \$1,000. However, the law provides for "independent expenditures" or expenditures on behalf of a candidate's campaign that may exceed the maximum

contributions levels. The only limitation applicable to these "independent expenditures" is that they be made without coordination from the candidate and without his knowledge.

Another issue concerning campaign contributions revolves around a 1993 Ethics Commission Ruling that stated that political parties do not have to report contributions to, or expenditures from, their "operational accounts." Due to this ruling, it is now possible for political parties to "funnel money" through their "operational accounts" and utilize that money on behalf of candidates. In short, this is another method by which a person may avoid the maximum individual contribution limits.

These campaign finance reform issues will likely be considered during the 1999 legislative session. Any effort to place monetary limits upon "independent expenditures" will probably face First Amendment "freedom of speech" questions. But at the very least, there will likely be efforts to require all persons who make "independent expenditures" on behalf of a candidate to report those expenditures to the State Ethics Commission. Thus, there will be a means whereby one can "track" the money and determine exactly how much money an individual is spending on a candidate's behalf. There will probably also be an effort to require an accounting of contributions to, and expenditures from, political party operational accounts to further insure that there is a record to follow concerning campaign financing.

SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK

Studies predict that South Carolina will have infrastructure funding needs of \$57 billion by the year 2015. Half of these needs are directly related to transportation. The SC Transportation Infrastructure Bank was established to provide for innovative financing of major transportation projects. The Bank can provide loans, sell bonds, and provide other assistance to government and private entities. Eligible projects must be more than \$100 million and must provide a public benefit.

During 1998, the Bank board pledged all available funding for various statewide projects. The Joint Bond Review Committee (JBRC) not only approved the Bank's recommendations, but the JBRC has approved an additional \$20 million in bonding authority. It is likely that the Bank may ask the General Assembly for additional revenue sources in order to provide at least an additional \$20 million. Currently, truck fees are the main source of revenue to the Bank. Infrastructure Bank funding, where that funding comes from, where it is directed, and whether local funding matches should be required are likely topics for legislative review in 1999.

SHORTENING THE LEGISLATIVE SESSION

During the past General Assembly, the House passed legislation which would have shortened the legislative session. The legislation did not receive approval from the Senate. Proponents will likely continue in 1999 their efforts to shorten the legislative year.

THE BARNWELL NUCLEAR FACILITY

The Barnwell Nuclear Waste Storage Facility has long been a source of controversy in the General Assembly. Under the Beasley administration, South Carolina ended its relationship with the Southeast Waste Compact. Consequently, the Barnwell facility continues to accept and store out-of-state waste, with certain revenues (generated from legislatively mandated fees) directed to funding education.

This arrangement could be discussed in the upcoming session since the revenues have been lower than expected and since Governor-elect Hodges has indicated that he wants to shut down the facility and stop other states from dumping their waste in South Carolina.

STATE ACCIDENT FUND

Committees in the House and the Senate are studying the State Accident Fund to determine if the amount state agencies pay for worker's compensation insurance can be reduced. The State Accident Fund is a self-supporting state program created to guarantee a source of worker's compensation insurance for state agencies and local government entities such as volunteer fire departments, schools, and public service organizations. State agencies are presently required to purchase their worker's compensation insurance from the State Accident Fund. If needed, a variety of options may be considered, including allowing state agencies to choose coverage from private commercial insurers or the State Accident Fund, eliminating the State Accident Fund with insurance coverage provided solely from the private market, and changes in the operations of or statutes governing the State Accident Fund.

RIGHT TO WORK LAWS

During the past General Assembly, the House passed legislation which would have provided workers with greater protection from practices which coerce or pressure them to join labor unions. The Senate did not approve the legislation. The issue may resurface in 1999.

SPEED LIMITS

The House passed a bill in 1998 which would have revised South Carolina's speed limits to 70 miles per hour on the interstate highway system, 60 miles per hour on certain multilane divided primary highways, 55 miles per hour on other locations or sections of highways, 30 miles per hour in urban districts and 45 miles per hour on unpaved roads. The issue of increasing speed limits may come up again in 1999.

RESTRUCTURING OF THE ELECTRICAL UTILITY INDUSTRY

The General Assembly has examined proposals to restructure the state's electrical utility industry so as to allow the consumer to choose who provides his electrical service. Under restructuring, the electrical utility industry could resemble the long distance telephone industry, where one chooses a provider from the several businesses which compete to provide service that is highest in quality and lowest in cost.

FARM AND FOREST LANDS PROTECTION ACT

This bill was introduced in 1998 and will be reintroduced in 1999. If adopted, the bill would create a program to allow counties to voluntarily create Priority Agriculture Land Areas. Within these areas, conservation easements may be established in order to preserve farm and forest lands, scenic and cultural landscapes and environmentally sensitive areas.

This bill would also:

- Provide a means by which farm and forest lands may be protected and enhanced as a viable segment of the State's economy and an important economic and environmental resource;
- Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use;
- Protect agriculture and forestry operations from incompatible non-farm land use;
- Assure permanent protection of Productive agricultural and forest lands to protect the agricultural economy of the State;
- Provide compensation to landowners for development rights; and
- Leverage state, federal, local, and private funds for the purchase of agriculture conservation easements and protect the public investment in easements.

BOATING SAFETY

Legislation will be introduced in 1999 to rewrite the boating safety statutes. Although the bill is still in draft form, possible provisions are as follows:

- Change the present boating statutes to reflect equivalent penalties assessed for the comparable offenses governing our highways.
- Change the present boating statutes to reflect equivalent testing for drugs or alcohol compared to the same offenses governing our highways.
- Increase boating registration fees with the increased revenue being used to hire additional DNR Conservation Officers to enforce boating safety laws.

REWRITE OF COASTAL FISHERIES STATUTES

This bill was introduced in 1998 and failed to pass. It will be re-introduced in 1999. If enacted, this bill will rewrite the coastal fisheries statutes to consolidate and modernize many of the outdated statutes. Also, the bill would revamp the current permitting process for commercial fisherman. Included in the bill are several statutes which would give the Department of Natural Resource increased authority to regulate the coastal fisheries.

CRIMINAL RECORD CHECKS FOR LONG TERM CARE FACILITY CAREGIVERS

Two bills were filed during the 1997-98 legislative session, that would have required criminal record checks for all direct caregivers employed by nursing homes and home health agencies. Each of these bills would have made it a misdemeanor for anyone

convicted of certain crimes to be employed or contract as a direct caregiver for a nursing home or a home health agency. Neither bill was enacted. This issue was raised again by several advocacy groups at the Joint Legislative Committee on Aging Public Hearing held October 8, 1998.

ASSISTED LIVING FACILITY PROVIDER STANDARDS

According to the Department of Health and Human Services estimates, the fastest growing segment of our state's population is age 60 and older. By the year 2015, the number of persons age 65 to 74 will double. The number of persons 75 to 84 will increase by over 40,000 and the number of persons over 85 will double to a total of over 84,000. Many of these people will need some form of long term care services. Recently there has been a big increase in the number of small "mom and pop" residential care facilities as well as larger, more institutional assisted living facilities for those who need help but are not yet ready for traditional nursing home care.

This level of care is attractive because it can be offered at less cost than traditional nursing home facilities. However, as this segment of the long term care industry grows, it will become even more important for state regulation to adequately address dependable standards of care and clear and consistent criteria for admission and discharge. The Alzheimer's Association and the American Association of Retired Persons have urged the Joint Legislative Committee on Aging to consider enacting new guidelines for minimum standards for providers of assisted living.

PREFILED BILLS

NOTE: These are brief summaries of bills prefiled on December 9 and December 16, 1998. They are listed under the standing committee to which they have been referred. The bills which were prefiled on January 6, 1999 will be summarized in next week's *Legislative Update*.

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

H.3021 BLACK BASS Rep. Gourdine

This bill places limits on the size and amount of black bass that may be taken from Lake Marion, Lake Moultrie, and certain portions of the Santee River. Under the bill it is illegal to take or possess a black bass that is less than twelve inches long. The bill sets a limit of five black bass per day for these areas. Penalties are provided for failure to comply.

This bill also amends *South Carolina Code of Laws* §50-13-210(2), relating to the daily creel limits on game fish, so as to make its provisions conform to the new limits placed on black bass taken from Lake Marion, Lake Moultrie, and certain portions of the Santee River.

H.3023 HERITAGE PRESERVES Rep. Witherspoon

This bill requires the Board of the Department of Natural Resources to establish a uniform fee for admittance to all Heritage Preserves. Under the bill, the Department of Natural Resources has the option to waive the fee for some groups, and there are provisions listing those individuals who are exempt from paying the user fee.

Also, the bill requires individuals to have a hunting or fishing license in order to engage in such activities at a Heritage Preserve. Penalties are provided for failure to comply.

H.3024 FARM AND FOREST LANDS PROTECTION ACT Rep. Sharpe

This bill establishes State and County Priority Agricultural Land Boards, to assist the Department of Natural Resources in administering a program to create priority agricultural land areas and to purchase agricultural conservation easements for land within the priority areas. A landowner, planning commission, county board, or municipal governing body may submit a request to county council for the creation of a priority agricultural land area within the county. County Priority Agricultural Land proposals must be approved first by the county council and then by the State Board. The bill establishes the standards, procedures and considerations for county councils and the State Board to follow in adopting or denying proposals.

The bill creates the Priority Agricultural Land Trust Fund to disburse funds for the purchase of conservation easements. The State Priority Agricultural Land Board has full authority over the administration of funds deposited in the Fund.

**H.3103 MINIMUM REQUIREMENTS OF THE BEST MANAGEMENT PRACTICES
GUIDELINES OF THE STATE COMMISSION ON FORESTRY
Rep. Davenport**

This bill establishes seven minimum requirements for The Best Management Practices Guidelines of the State Commission on Forestry. The minimum requirements include: 1) no cutting allowed during wet periods, 2) no cutting within fifty feet from each side of a stream, 3) establishment of stream side management zones, 4) water bars on roads, 5) culverts of ample size in streams, 6) grade limitations sufficient to prohibit clearcutting on steep grades, and 7) mandatory notice to the commission for any cutting of over two hundred acres so that the commission may supervise the cutting. This bill states that compliance with the guidelines is mandatory. Penalties are provided for failure to comply.

H.3107 OFFICIAL STATE AMPHIBIAN Rep. Hawkins

This bill designates the spotted salamander, *Ambystoma Maculatum*, as the official state amphibian.

H.3109 HUNTING, FISHING, AND TRAPPING LICENSES Rep. Sandifer

This bill authorizes the Department of Natural Resources to issue free nonresident hunting and fishing licenses to disabled persons living in states that 1) have the same or similar license requirements as South Carolina, and 2) would likewise offer qualified, disabled South Carolinians free nonresident hunting and fishing licenses.

H.3111 OFFICIAL STATE AMPHIBIAN Rep. Littlejohn

This bill designates the spotted salamander, *Ambystoma Maculatum*, as the official state amphibian.

H.3114 QUALITY OF SURFACE WATERS Rep. Miller

One of the components used to measure the quality of water is the amount of dissolved oxygen in the water. Dissolved oxygen levels are measured because organisms living in water require a certain amount of oxygen in order to survive. The Department of Health and Environmental Control (DHEC) sets the standards for dissolved oxygen in water.

This bill prohibits DHEC from permitting the quality of surface waters to be cumulatively lowered more than 0.1 milligrams / liter for dissolved oxygen from point sources or other activities. The term "point source" generally refers to any discernable channel through which wastes are discharged, i.e. pipes, sewers, channels.

EDUCATION AND PUBLIC WORKS

H.3025 CARELESS DRIVING Rep. Wilder

This bill amends the current statutory point system for the evaluation of a person's driving record by adding a provision that careless driving (as defined by local ordinance) is a one point violation.

**H.3026 AMENDMENTS TO COMPREHENSIVE HEALTH
EDUCATION ACT Rep. Townsend**

This bill amends the 1988 Comprehensive Health Education Act. The amendments include: 1) A provision that age-appropriate instruction in reproductive health may be included in grade five with State Board of Education ("Board") approval. Current law allows such instruction in kindergarten through fifth grade with Board approval. 2) A provision that beginning with school year 2000-01 for grades nine through twelve, each student shall receive one semester of instruction in comprehensive health education from a certified health education instructor. Current law states that "each student shall receive instruction" and includes no amount of time. Current law also does not require that the instruction must come from a certified health education instructor. 3) A provision requiring a thirty day public review of all materials recommended by the local advisory committee for use in the instruction of comprehensive health prior to the local board's selection of the materials. No public review is currently required. 4) A provision requiring the local advisory committee (a committee currently appointed by the local school board to assist in the selection of components and curriculum materials) to meet at least quarterly. Currently there is no meeting requirement. Also, the bill requires that the local advisory committee approve all supplemental instructional materials prior to their use in the classroom. No such approval is required under current law.

H.3030 MAKEUP OF MISSED SCHOOL DAYS Rep. Allison

This bill allows local school boards to excuse up to three days missed because of snow or other extreme weather conditions. Current law requires that days missed because of such conditions must be made up.

H.3040 REQUIREMENTS TO OBTAIN A DRIVER'S LICENSE Rep. Littlejohn

This bill exempts from the requirements to obtain a driver's license a citizen of Germany or Japan who is at least eighteen years old, who is employed in South Carolina, and

who has a valid driver's license issued by his nation. The bill provides that such a person may drive in this state for four years. Current law allows this exemption only for citizens of France.

H.3041 SPECIAL LICENSE PLATES Rep. Kelley

This bill authorizes the Department of Public Safety to issue a special "South Carolina: First in Golf" license plate. A portion of the revenue from the biennial \$70 fee for the plates is to be used by the S.C. Department of Parks, Recreation and Tourism to provide grants to promote the South Carolina Junior Golf Association.

H.3042 SPECIAL LICENSE PLATES Rep. Harvin

This bill eliminates the fee currently charged by the Department of Public Safety for special license plates for recipients of the Purple Heart.

H.3043 CROWD/TRAFFIC CONTROL AT ATHLETIC EVENTS Rep. Kirsh

This bill provides that if a commissioned trooper is required to provide traffic, crowd, or pedestrian control at an athletic event, the athletic department of the school, college or university at which the event is held must reimburse the Department of Public Safety for the cost of these services.

H.3082 ALTERNATIVE SCHOOLS Rep. Townsend

This bill requires that, beginning with school year 1999-2000, school districts shall establish, maintain, and operate alternative school programs for certain students in grades 6-12 who have been expelled from school or who have been referred to the school under circumstances specified in the bill. The bill provides requirements and procedures which local school boards must follow in the operation of these schools, and provides that funding for the schools shall come from federal, state, and local funds that would be allocated to a student's school if the student were attending the student's regularly assigned school, and from additional General Assembly funding to be included in the Education Finance Act.

H.3087 GRANTING OF TENURE Rep. Witherspoon

This bill provides that beginning in the year 2006, no faculty member of a state-supported institution of higher education in South Carolina shall be granted tenure unless: that person has at least ten years of college or university teaching experience in the subject in which he or she holds a faculty appointment; and that person has a documented record of teaching excellence. The bill also provides that as of January 1, 2007, the total number of tenured faculty at each state-supported institution of higher learning shall not be more than one-third of the number of full-time faculty for the most recent five years of that institution, or one faculty member for each one hundred full-time students of that institution's enrollment for the most recent five years.

H.3096 SCHOOL DISTRICT SUPERINTENDENTS' SALARIES Rep. Altman

This bill prohibits (except under specified conditions) a school district superintendent from receiving, for the performance or continuation of his duties, a salary supplement or other consideration above two hundred dollars. The bill also provides penalties for violation.

H.3097 CENTER LINES ON HIGHWAYS Rep. Clyburn

This bill adds to the *SC Code of Laws* a requirement that all state secondary highway system roads, streets, and highways on which the speed limit is at least forty-five miles per hour must have center lines dividing opposing traffic.

H.3098 SCHOOLING FOR FOSTER CARE CHILDREN Rep. Clyburn

This bill provides that it is the responsibility of the school district in which a child is placed in foster care or other specified living arrangements to provide for the child's education. The provisions of the bill do not apply to children who are students with handicaps.

H.3119 SPEED LIMITS Rep. Haskins

This bill revises maximum speed limits to seventy miles an hour on the interstate highway system and other freeways where official signs giving notice of this speed limit are posted, and revises the maximum speed limit to sixty miles an hour on multilane divided primary highways where official signs giving notice of this speed limit are posted. The bill sets a maximum speed limit of thirty miles an hour in an urban district and speed limits on unpaved roads are limited to forty-five miles an hour. Current speed limits are thirty miles an hour in "any urban district." There is currently no special provision for speed limits on unpaved roads. Current speed limits are fifty-five miles an hour in other locations or on other sections except where speeds above fifty-five miles an hour are allowed by federal law. The bill repeals the current section of law which allows speed limits above fifty-five miles an hour when permitted by federal law. The bill also provides that manufactured, modular, or mobile homes must not be transported at a speed in excess of ten miles below the posted speed limit when the posted speed limit is in excess of forty-five miles an hour, and never in excess of fifty-five miles an hour. The bill allows local authorities, under certain conditions, to set a speed limit of less than thirty miles an hour, subject to approval by the Department of Transportation (which is required under current law). The bill also revises the language on signs posted in a work zone and adds language which provides that the penalties contained in these signs are in addition to other penalties for speeding.

H.3131 SC CAMPUS SEXUAL ASSAULT INFORMATION ACT Rep. Cobb-Hunter

This bill enacts the S.C. Campus Sexual Assault Information Act, which requires institutions of higher learning in this State to establish and implement a written campus sexual assault policy, and to distribute that policy to students, faculty, and staff of the institution. The bill specifies areas which must be addressed in the policy, including education programs to promote prevention and awareness of sexual assault, possible sanctions following an institution's disciplinary procedure in the event of sexual assault, and procedures a student follows if a sexual assault occurs.

H.3136 SC STUDENT & FAMILY PRIVACY & PROTECTION ACT Rep. Haskins

This bill enacts the SC Student and Family Privacy and Protection Act, which provides protections against disclosure of student records and health services which are nonconsensual. The bill also allows parental inspection of educational materials, prohibits unauthorized student surveys, questionnaires, or evaluations, allows students to be excused from certain instruction if it conflicts with the religious beliefs of the student's parent or guardian, and preserves student privacy rights. The bill provides procedures and remedies to implement the provisions of the bill, including a requirement that the Department of Education promulgate necessary regulations.

JUDICIARY

H.3002 GAMBLING CRUISE PROHIBITION ACT Rep. Wilkins

The intent of this bill is to reinforce prohibitions on gambling. This bill emphasizes that gambling offenses provided under the South Carolina Constitution and the laws of South Carolina apply to any craft where the voyage begins and ends in the waters of this State. The bill also references standards expressed in the United States Code, specifically the Johnson Act Amendments of 1992.

This bill prohibits gambling cruises that embark from a point in South Carolina and return to a point in South Carolina, regardless of whether or not the gambling takes place in or outside of the waters of South Carolina. This bill also prohibits individuals from managing, supervising, controlling, operating, or owning a craft intentionally used for gambling cruises. Penalties are established for failure to comply.

H.3003 EXPECTATION OF PRIVACY Rep. Haskins

This bill makes it unlawful to look upon or film a person in any place where that person has a reasonable expectation of privacy, when that person is 1) in the nude, 2) in undergarments, or 3) any other state of undress which exposes the genitals, pubic hair, buttocks, or a female breast. Penalties are established for failure to comply.

However, the bill does provide an exception in cases of certain criminal investigations, security surveillance in prisons, and lawful investigations by people licensed and bonded pursuant to *South Carolina Code of Laws* §40-17-50, the statute relating to additional application requirements for a license to engage in a private detective or private security business.

H.3007 POLITICAL PARTY CHANGE Rep. Govan

This bill requires that an individual elected to office in a general election vacate his or her office in the event that person changes his or her party affiliation while in office. This bill amends the pledge of party affiliation to include language pledging that the individual will vacate his or her office in the event he or she decides to change parties after the election. This bill also makes minor grammatical changes to *South Carolina Code of Laws* §7-11-210, the statute relating to notice of candidacy and pledge.

H.3008 BLOOD ALCOHOL LEVEL FOR PRESUMPTION OF DRIVING UNDER THE INFLUENCE Rep. Kirsh

Currently, it is presumed that a person is not under the influence of alcohol, if the person has a blood alcohol level of five one-hundredths of one percent or less. H.3008 decreases that presumptive level to four one-hundredths of one percent, and further decreases the level to three one-hundredths of one percent effective July 1, 2000.

Currently, a blood alcohol level between five one-hundredths of one percent and ten one-hundredths of one percent, does not give rise to any inference concerning alcohol use. However, the blood alcohol level may be used with other evidence to determine a person's guilt or innocence. H.3008 lowers that blood alcohol level range to between four one-hundredths of one percent to nine one-hundredths of one percent. H.3008

further lowers the blood alcohol range to between three one-hundredths of one percent and eight one-hundredths of one percent effective July 1, 2000.

Currently, it is presumed that a person with ten one-hundredths percent or more blood alcohol level is under the influence of alcohol. H.3008 decreases that level to nine one-hundredths of one percent, and further decreases that level to eight one-hundredths of one percent effective July 1, 2000.

H.3010 SIZE OF POLLING PRECINCTS Rep. Altman

This bill provides that polling precincts may not have more than one thousand five hundred registered electors or less than seven hundred fifty registered electors. This bill further provides that if the General Assembly fails to alter the polling districts, then the State Election Commission may notify county registration boards and allow the county registration boards to alter the polling precincts. There is an exception for polling precincts isolated by water.

**H.3011 KAYAKING, CANOEING, AND RAFTING LIABILITY
IMMUNITY Rep. Kirsh**

H.3011 provides that kayaking, canoeing, or rafting activity sponsors and professionals are not liable for the injury or death of participants resulting from the inherent danger of the activity. This bill does not limit recovery if a participant is intentionally injured. This bill does not prevent or limit the liability of kayaking, canoeing, or rafting activity sponsors and professionals under products liability laws. H.3011 does not apply to liability arising from the ownership or maintenance of a motor vehicle.

Kayaking, canoeing, or rafting activity sponsors and professionals are required to give participants notice of their immunity through the use of signs and printed release forms. H.3011 provides the necessary language for the notices. When a sponsor or professional fails to comply with these notice requirements, he or she may not invoke the immunity granted by this bill.

Kayaking, canoeing, or rafting activity sponsor and professionals may still contract for other releases and waivers from suit.

**H.3015 LENDING A VEHICLE TO A PERSON WITHOUT A VALID
DRIVER'S LICENSE Rep. Altman**

H.3015 provides that it is a misdemeanor for an individual who owns or controls a vehicle to lend that vehicle to a person without a valid driver's license. Under this bill, a person lending his or her vehicle is guilty of the misdemeanor if he or she knew or should have known the person did not have a valid driver's license. Penalties are established for failure to comply.

If serious injury or death results from the operation of the vehicle, then the penalties increase.

A motor vehicle covered by this section must be confiscated and sold at public auction within forty-five days of the offense. The proceeds of the sale are to go into the local government's general fund.

H.3016 LENDING A VEHICLE TO A PERSON IMPAIRED FROM DRUGS AND ALCOHOL USE OR WHO IS KNOWN TO BE A HABITUAL ABUSER OF DRUGS AND / OR ALCOHOL Rep. Altman

H.3016 provides that it is a misdemeanor for an individual who owns or controls a vehicle to lend that vehicle to a person impaired from alcohol or drugs. Under this bill, a person lending his or her vehicle is guilty of a misdemeanor if he or she 1) knew that the person was impaired from drugs or alcohol or 2) should have known that the person was a habitual user of drugs and / or alcohol. Penalties are established for failure to comply.

If serious injury or death results from the operation of the vehicle, then the penalties increase.

A motor vehicle covered by this section must be confiscated and sold at public auction within forty-five days of the offense. The proceeds of the sale are to go into the local government's general fund.

H.3017 COMPUTER / INFORMATION SYSTEM ERRORS CAUSED BY AN ERRONEOUS DATE Rep. Kirsh

This bill grants the State, its agencies, and political subdivisions immunity from suits for damages arising from computer / information system errors caused by an erroneous date. This bill further provides that contracts entered into by or on behalf of the State, its agencies, or political subdivisions must include an immunity provision for computer/information system errors caused by an erroneous date. Any contract entered into after July 1, 2000 has the legal effect of including this immunity provision, and any conflicting provision in the contract is void.

H.3018 FURNISHING FALSE CREDIT INFORMATION Rep. Altman

This bill creates the offense of furnishing false information. H.3018 makes it illegal for individuals, businesses, and credit reporting bureaus to knowingly furnish false information about another person's creditworthiness, credit standing, or credit capacity. Penalties are established for failure to comply.

H.3019 LIMITING A JUDGE'S DISCRETION FOR PENALTIES ASSOCIATED WITH DRIVING UNDER THE INFLUENCE OF ALCOHOL OR OTHER CONTROLLED SUBSTANCES Rep. Davenport

This bill amends *South Carolina Code of Laws* §56-5-2940, the statute that lists the penalties for driving under the influence of alcohol or other controlled substances. This bill deletes all references that authorize judicial discretion when issuing a sentence.

H.3020 DISPLAYING INDECENT MATERIAL TO MINORS Rep. Kelly

This legislation prohibits a person from selling, furnishing, displaying, or distributing indecent material to minors or in places frequented by minors. To be guilty of this offense, the person must know the content of the material. However, this section does not apply to audio-visual works, sound recordings, newspapers, or bound literary works. Penalties are provided for failure to comply.

H.3020 increases the penalty for disseminating obscene material to a person under the age of eighteen. Currently, the penalty is five years, but under this bill the penalty is increased to ten years and / or a fine of five thousand dollars.

This bill also increases the penalty for disseminating obscene material to a person under the age of twelve. Currently, the penalty is ten years, but under this bill the penalty is increased to fifteen years and / or a fine of ten thousand dollars.

H.3020 also amends *South Carolina Code of Laws* §16-15-375 to make its definitions applicable to the newly created prohibition of displaying indecent material to minors. Also, the bill provides a definition for "indecent material to minors."

There is a severability provision in the event any portion of the bill is found to be unconstitutional.

**H.3027 DOCUMENTS FILED WITH THE REGISTER OF MESNE CONVEYANCES
OR CLERK OF COURT Rep. Mason**

This bill requires documents submitted to the Register of Mesne Conveyances or Clerk of Court for recording to have printed or typed names near or below the signatures. Documents without the printed or typed names are subject to not being recorded.

H.3031 NONPARTISAN ELECTION OF SCHOOL BOARD TRUSTEES Rep. Allison

This bill requires school board trustees to be elected in nonpartisan elections beginning in the year 2000. Unless local law differs, the entity charged by law with setting the election date for school board trustees may choose to hold the nonpartisan elections in either even-numbered or odd-numbered years. However, the bill does state that the elections must be held on the Tuesday after the first Monday in November.

Unless otherwise provided by local law, the term of office for school board trustees is four years. School board trustees continue to serve until their successors are elected and qualify.

The bill outlines how to nominate school board trustee candidates in both partisan and nonpartisan elections. Unless otherwise provided by local law, the elections provided for in the bill should be conducted pursuant to *South Carolina Code of Laws* Title 7. There are also provisions in the bill for determining election results and for filling vacancies through nonpartisan elections.

**H.3032 REVISION OF PENALTIES RELATING
TO DRUG PARAPHERNALIA Rep. Kelley**

Presently, individuals and corporations found guilty of unlawful advertisement for sale, manufacture, possession, sale or delivery of drug paraphernalia are subject only to fines. This bill revises the penalties so as to increase the fines and authorize prison sentences.

For a first offense under this bill, an individual is guilty of a misdemeanor and subject to not more than thirty days in prison and / or a fine of not more than five hundred dollars. For a first offense under this bill, a corporation is subject to a maximum fine of fifty thousand dollars.

For a second offense under this bill, an individual is guilty of a misdemeanor and subject to a maximum of three years in prison and / or a fine of not more than one thousand dollars. For a second offense under this bill, a corporation is subject to a maximum fine of seventy-five thousand dollars.

For a third offense under this bill, an individual is guilty of a felony and subject to a maximum of five years in prison and / or a fine of not more than two thousand dollars. For a third offense under this bill, a corporation is subject to a maximum fine of one hundred thousand dollars.

H.3033 DRAFTING LEGISLATION Rep. Martin

This bill requires all legislation to be drafted in a manner that may be clearly understood by someone with a high school education.

H.3035 AUTHORIZING MUNICIPAL AND MAGISTRATE JUDGES TO ORDER RESTITUTION IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS Rep. Knotts

This bill authorizes municipal court judges to order restitution in an amount not to exceed five thousand dollars.

Currently, a magistrate may order restitution in any amount he or she deems appropriate. Under this bill, five thousand dollars is the maximum amount of restitution that a magistrate may order a defendant to pay.

H.3036 HUMAN CLONING Rep. Mason

This bill makes it illegal in South Carolina for any person to grow or create a human being through cloning. This bill also makes it illegal for anyone to conspire to clone a human being. The terms "cloning" and "conspiring to clone a human being" are defined in the bill. Penalties are provided for failure to comply.

H.3039 TIMING OF FORFEITURE HEARINGS FOR CONFISCATED VEHICLES Rep. Kirsh

This bill provides that people convicted of 1) driving with a suspended driver's license, or 2) driving under the influence of alcohol or drugs, must have the forfeiture hearing concerning their confiscated vehicles completed and the final order issued within three months from the date the action commenced.

H.3044 REPRESENTATION OF IMMEDIATE FAMILY MEMBERS IN MAGISTRATE COURT Rep. Kirsh

This bill authorizes an individual to represent any member of his or her immediate family in magistrate's court on a criminal matter, so long as no fee is charged for the representation.

H.3049 REMEDIES AND PROCEDURES FOR FRAUDULENT CHECKS AND OTHER INSTRUMENTS Rep. Kirsh

TERMINOLOGY ASSOCIATED WITH COMMERCIAL INSTRUMENTS

		Date
Pay to the order of John Doe (Payee)		
x amount of money		
First Bank	signed Jane Doe	
(Drawee)	(Drawer or Maker)	

This bill rewrites *South Carolina Code of Laws* §34-11-60(c) pertaining to the duties of a drawee when it dishonors or refuses to make payment on a check, draft, or other instrument.

Under this bill, *South Carolina Code of Laws* §34-11-60(c)(1) requires a drawee to indicate in plain language on the instrument the reason for the dishonor or refusal to pay. The instrument and the reason for dishonor or refusal to pay are prima facie evidence (evidence good and sufficient on its face) of the following: 1) the making of the check, draft, or other written order, 2) that the instrument was presented to the drawee for payment, and 3) the instrument was properly dishonored for the reason stated on the instrument.

When there are insufficient funds or credit with a drawee to cover the amount due on an instrument, *South Carolina Code of Laws* §34-11-60(c)(2) of this bill provides that the existence of insufficient funds is prima facie evidence that the maker or drawer of the instrument knew or should have known there were insufficient funds or credit with the drawee to cover the amount of the instrument.

When the funds needed to pay the instrument were withdrawn from the drawee within ten days of negotiation of the instrument, *South Carolina Code of Laws* §34-11-60(c)(2) of this bill provides that the withdrawal of the funds within ten days of negotiation of the instrument is prima facie evidence that the maker of the instrument knew there were insufficient funds with the drawee to cover the amount of the instrument.

South Carolina Code of Laws §34-11-60(c)(2) of this bill also has a provision requiring the payee of an instrument to pay for the costs of a criminal prosecution, if it is determined that the payee knew or had reason to know that the maker or drawer of the instrument had insufficient funds or credit with the drawee to cover the amount of the instrument.

This bill also amends *South Carolina Code of Laws* §34-11-60(d) so that the fraudulent check remedies and procedures of this section apply to a check given in either full or partial payment of any pre-existing debt. Currently, the remedies and procedures of this section apply only to those pre-existing debts resulting from a revolving credit account that is not a consumer credit transaction.

This bill also makes grammatical changes to the other subsections of *South Carolina Code of Laws* §34-11-60.

H.3050 PROFESSIONAL CORPORATION MAY AUTHORIZE AN EMPLOYEE OR AGENT TO REPRESENT IT IN MAGISTRATE'S COURT Rep. Kirsh

Under this bill, a professional corporation may authorize an employee or agent to represent it in magistrate's court, and the designated employee or agent would not be guilty of the unauthorized practice of law.

H.3054 PUNITIVE DAMAGES IN CIVIL ACTIONS Rep. Kirsh

This bill adds a new section to the *South Carolina Code of Laws* pertaining to punitive damages in civil actions. The bill applies to every claim for punitive damages, except

those claims brought under the South Carolina Tort Claims Act. In the event of conflict with another law, the provisions of this bill would prevail.

H.3054 states that punitive damages may be awarded only when a defendant is found liable for compensatory damages and there is an aggravating factor present that was related to the injury for which the compensatory damages were awarded. The bill provides a list of aggravating factors. The bill also outlines a list of circumstances where punitive damages may not be awarded.

This bill requires a plaintiff, before judgement, to choose between punitive damages and any other statutory remedy that would allow multiple damages.

Under this bill, the trier of fact determines the amount of punitive damages separately from the amount of compensation for all other damages. There is a limit on the amount of punitive damages that may be awarded, and the bill requires that the trier of fact may not be informed about the punitive damages limitation. There is an exception for cases involving the operation of a motor vehicle while under the influence of drugs or alcohol.

Defendants are entitled to have punitive damage issues tried separately from compensatory damage issues. However, the bill requires that the same trier of fact must decide both sets of issues.

Evidence relating only to punitive damages may not be introduced, until the trier of fact has determined that the defendant is liable for punitive damages. The bill has a detailed list of factors that a trier of fact should consider when determining the amount of punitive damages. There is also a provision regarding the award of attorney's fees in the bill.

H.3054 details requirements that must be included in the trial court's written opinion. Also, the bill has a provision describing how the demand for punitive damages should be stated.

There is a severability provision in the event any portion of the bill is found to be unconstitutional.

H.3055 *COURTS MAY NOT PROHIBIT A CUSTODIAL PARENT FROM MOVING OUT OF STATE* Rep. Kirsh

This bill provides that a court may not prohibit a custodial parent from moving out of state, unless the court finds a compelling reason, or the parties have agreed to such a prohibition.

H.3056 *JURY SERVICE IN MAGISTRATE'S COURT* Rep. Kirsh

Under this bill, a summoned juror is considered delinquent when he or she does not appear in magistrate's court within forty-eight hours of the time he or she was summoned to appear before the court.

Currently, a person is not required to serve on a jury in magistrate's court more than once during a three-month period. Under H.3056, a person would not be required to serve on a jury in a magistrate's court more than once every three calendar years.

H.3057 UNLAWFUL TO COPY CREDIT CARD NUMBERS WHEN THE CARD IS PRESENTED FOR CHECK IDENTIFICATION Rep. Kirsh

This bill makes it illegal for an entity or person that cashes a check to copy a credit card number, when the credit card is presented only for identification purposes. There is an exception when the person cashing the check has an agreement with the card issuer to cash checks as a service to the issuer's cardholders. For the exception to be applicable, the card issuer must guarantee the checks. Penalties are provided for failure to comply.

H.3058 SOUTH CAROLINA NONECONOMIC DAMAGE AWARDS ACT OF 1999 Rep. Kirsh

The terms "noneconomic damages" and "actual economic damages" are defined in this bill.

Under this bill, a prevailing plaintiff in a personal injury action may be awarded 1) compensation for actual economic damages, and 2) compensation for noneconomic damages not to exceed two hundred fifty thousand dollars or the amount awarded in economic damages, whichever is greater.

If liability is found in a personal injury action or wrongful death action, this bill provides that the trier of fact should make the following separate findings for each claimant specifying the amount of 1) any past damages, and 2) any future damages including medical and other costs of health care, economic loss, and noneconomic loss. Also for some types of future damages, the trier of fact must decide the period over which the future damages will actually accrue. There is a provision in the bill describing how to calculate future damages.

H.3059 SOUTH CAROLINA ELIMINATION OF DOUBLE RECOVERIES ACT OF 1999 Rep. Kirsh

When determining the amount of damages in tort actions, this bill permits the trier of fact to consider evidence concerning other sources of payments that are due or have already been paid to the claimant. Likewise, the bill authorizes the court to consider evidence relating to these other payments when determining if the damage awards are excessive.

The bill requires that the trier of fact must be informed about the tax implications of all damages awards. Also, the trier of fact may hear evidence as to any of the premiums personally paid by the claimant.

The trier of fact must make separate findings for each claimant as to 1) the amount of past damages, and 2) any future damages including medical and other costs of health care, economic loss, and noneconomic loss. Also for some types of future damages, the trier of fact must decide the period over which the future damages will actually accrue. There is a provision in the bill describing how to calculate future damages.

H.3062 AUTHORIZING A STATE AGENCY TO COLLECT A FINE FOR DISHONORED CHECKS Rep. Kirsh

This bill authorizes a state agency to establish, collect, and retain a fine to cover the charges associated with a check dishonored due to insufficient funds. The fine may be used only for the purpose of covering the costs associated with the dishonored check.

H.3066 DEFINING "SERIOUS CHILD SEX OFFENSE" Rep. Hawkins

This bill defines "serious child sex offense" to include the following crimes: criminal sexual conduct in the first degree; criminal sexual conduct in the second degree; criminal sexual conduct in the third degree; criminal sexual conduct with minors; attempted criminal sexual conduct; lewd act on a minor; disseminating obscene material to a minor under twelve years of age; sexual exploitation of a minor, first degree; sexual exploitation of a minor, second degree; sexual exploitation of a minor, third degree; promoting prostitution of a minor; and participation in prostitution of a minor.

Under the provisions of this bill, a person found guilty of a "serious child sex offense" afterwards may not work or volunteer in a position that requires interaction with children under sixteen. Penalties are provided for failure to comply.

H.3067 PROHIBITING THE PROMOTION OF GAMBLING OR LOTTERIES HELD IN OTHER STATES Rep. Hawkins

This bill makes it unlawful to promote, through print or the electronic medium, gambling or lotteries held in other states or jurisdictions, when the type of gambling or lottery that is promoted is illegal in South Carolina. Penalties are provided for failure to comply.

H.3068 POSTING BOND IN MAGISTRATE OR MUNICIPAL COURT Rep. Kelley

This bill states that a person charged with an offense triable in magistrate's court or municipal court may waive his or her appearance before the court and post a bond in an amount that has been approved by the court for the charged offense. This bill does not restrict the State's right to request a full bond hearing before a judicial officer. Also, the bill makes grammatical changes to *South Carolina Code of Laws* §17-15-10, relating to a person charged with a noncapital offense may be released on his own recognizance.

H.3069 COUNTY REGULATION OF FIREWORKS Rep. Kelley

This bill allows a county to regulate or prohibit the otherwise lawful use of fireworks in areas that are 1) heavily populated, or 2) border municipalities within the county. Also, this bill makes grammatical changes to *South Carolina Code of Laws* §4-9-30, relating to the designation of powers under each alternative form of government.

H.3072 DRIVER'S LICENSE SUSPENSION Rep. Kirsh

If an individual is accepted into a pretrial intervention program for either 1) a controlled substance violation, or 2) the underage purchase and possession of alcohol, then under this bill the individual's driver's license must be suspended the same as if that individual was convicted of either offense. Solicitors are responsible for reporting the names of individuals accepted into pretrial intervention programs.

H.3073 REVISION OF PENALTIES FOR THE UNLAWFUL ADVERTISEMENT FOR SALE, MANUFACTURE, POSSESSION, SALE, DELIVERY, OR POSSESSION WITH THE INTENT TO DELIVER OR SELL DRUG PARAPHERNALIA Rep. Kirsh

Currently, individuals convicted of unlawful 1) advertisement for sale, 2) manufacture, 3) possession, 4) sale, 5) delivery, or 6) possession with intent to deliver or sell drug paraphernalia are subject to a maximum fine of five hundred dollars. This bill revises the penalties for individuals convicted under this statute so as to authorize prison sentences. Under this bill, corporations convicted under this statute remain subject to a maximum fine of fifty thousand dollars.

H.3074 GAMBLING CRUISE PROHIBITION ACT Rep. Limehouse

The intent of this bill is to reinforce prohibitions on gambling. This bill emphasizes that gambling offenses provided under the South Carolina Constitution and the laws of South Carolina apply to any craft where the voyage begins and ends in the waters of this State. The bill also references standards expressed in the United States Code, specifically the Johnson Act Amendments of 1992.

This bill prohibits gambling cruises that embark from a point in South Carolina and return to a point in South Carolina, regardless of whether or not the gambling takes place in or outside of the waters of South Carolina. This bill also prohibits individuals from managing, supervising, controlling, operating, or owning a craft intentionally used for gambling cruises. Penalties are established for failure to comply.

H.3075 NOTIFICATION TO NEIGHBORS OF A SEX OFFENDER'S RESIDENCE Rep. Limehouse

This bill requires a sheriff to provide written notification of a sex offender's residence to every residence within a four-block radius of the sex offender's residence. Neighbors must be notified within ten days of the date that the sex offender registered his or her change of address with the sheriff.

The notification to the neighbors must include the following information: full name of the offender; any aliases; identifying physical characteristics; date of birth; address; type of offense; the date, city, and state of conviction; and a photocopy of recent photograph of the convicted sex offender.

This bill authorizes a sheriff to provide this information to people outside the four-block radius, if the sheriff believes the disclosure of such information will deter crime.

H.3076 SOUTH CAROLINA NONECONOMIC DAMAGE AWARDS ACT OF 1999 Rep. Rodgers

The terms "noneconomic damages" and "actual economic damages" are defined in this bill.

Under this bill, a prevailing plaintiff in a personal injury action may be awarded 1) compensation for actual economic damages, and 2) compensation for noneconomic damages not to exceed two hundred thousand dollars or the amount awarded in economic damages, whichever is greater.

If liability is found in a personal injury action or wrongful death action, this bill provides that the trier of fact should make the following separate findings for each claimant specifying the amount of 1) any past damages, and 2) any future damages including medical and other costs of health care, economic loss, and noneconomic loss. Also for some types of future damages, the trier of fact must decide the period over which the future damages will actually accrue. There is a provision in the bill describing how to calculate future damages.

**H.3078 POWERS, DUTIES, RESPONSIBILITIES OF COUNTY LEGISLATIVE
DELEGATIONS Rep. Rodgers**

This bill transfers the powers, duties, and responsibilities affecting only one county from the county legislative delegation to the county's governing body. However, the transfer may only occur with the consent of the county legislative delegation.

This bill does not include those powers granted to county legislative delegations that relate to statewide or regional boards, commissions, or other entities that have representatives on the governing board from more than one county.

Under this bill, a county legislative delegation includes each member of the House of Representatives and Senate whose district includes any portion of the geographic area of a given county.

**H.3079 MANUFACTURERS OF MACHINE GUNS OR MILITARY FIREARMS
LICENSED PURSUANT TO FEDERAL LAW Rep. Sharpe**

Currently, the provisions of *South Carolina Code of Laws* Title 23, Article 31 (Firearms) apply to manufacturers of machine guns or military firearms licensed pursuant to federal law. Under this bill, the provisions in *South Carolina Code of Laws* Title 23, Article 31 (Firearms) would not apply to any dealer or person licensed or holding a valid permit issued pursuant to federal law.

**H.3083 AMENDMENTS TO THE SOUTH CAROLINA TORT CLAIMS ACT
Rep. Whipper**

This bill authorizes a magistrate to hear a civil action filed under the South Carolina Tort Claims Act when the damages sought by the plaintiff are no more than five thousand dollars. In fact, the bill requires these causes of action to be filed in magistrate's court.

In actions where the damages are five thousand dollars or less, this bill allows state agencies and political subdivisions to designate an insurance carrier, a department manager, a staff person, or other official to represent its interests in magistrate's court. However, the representative may not receive additional compensation for the representation.

This bill also makes grammatical changes to *South Carolina Code of Laws* §22-3-20, the statute that describes the civil actions in which a magistrate has no jurisdiction.

**H.3086 NOTICE OF APPLICATION FOR BEER OR WINE PERMITS AND
ALCOHOLIC LIQUOR LICENSES Rep. Wilder**

This bill revises the newspaper notice and notice-posting requirements for beer or wine permit applications and alcoholic liquor license applications. H.3086 requires

advertisement in 1) a newspaper nearest to the proposed location of the business, and 2) in a newspaper most likely to give notice to interested citizens.

Currently, whether or not a newspaper meets the requirements of this section is based solely on available circulation figures. This bill adds the proposed location of the business as a factor to be considered in determining whether or not the newspaper meets the requirements of this section.

This bill requires applicants to notify, through the mail, all residences and businesses within a three-block radius of the proposed location of the business about the application for a beer or wine permit or an application for an alcoholic liquor license. The notice must run in the legal notice section of the newspaper.

This bill requires that a sign, providing notice to the public about the application for beer or wine permits and alcoholic liquor, must be placed at the closest intersection to the proposed location of the business. The size requirements for the sign are increased in this bill.

H.3088 VIOLENT CRIMES Rep. Davenport

This bill expands the definition of a violent crime to include 1) assault and battery of a high and aggravated nature, and 2) causing great bodily injury or death by operating a vehicle while under the influence of alcohol.

H.3089 DOMESTIC TERRORISM Rep. Altman

This bill establishes the crimes of domestic terrorism, aiding and abetting domestic terrorism, and conspiracy to commit domestic terrorism. Penalties are established for these new crimes.

H.3091 MANDATORY REFERENDUM ON THE QUESTION OF RAISING THE BONDED INDEBTEDNESS LIMITS OF POLITICAL SUBDIVISIONS AND SCHOOL DISTRICTS Rep. Altman

This bill requires a referendum on the question of raising the bonded indebtedness limit of a political subdivision or school district. The referendum must be held at the general election, and the question must be certified to the appropriate election commission at least forty-five days before the date of the general election.

H.3092 PROFESSIONAL BONDSMAN'S DEPOSIT WITH THE CLERK OF COURT Rep. Altman

A professional bondsman is required to maintain a security deposit with the clerk of court in the county where the bondsman has his or her primary business. Currently, the security deposit must be equal to at least one-fourth of the amount of all bonds or undertakings written in this State for which the bondsman is absolutely or conditionally liable for as of the first day of the current month. This bill decreases the minimum amount of the security deposit to one-tenth of the amount of all bonds or undertakings written in this State for which the bondsman is absolutely or conditionally liable for as of the first day of the current month.

H.3093 PRESUMPTION OF LEGALITY AND CONSTITUTIONALITY OF ALL ACTS, RESOLUTIONS, AND LAWS ENACTED BY THE GENERAL ASSEMBLY Rep. Altman

Under this bill, all acts, resolutions, and laws enacted by the General Assembly are entitled to a substantial presumption of legality and constitutionality.

In order to overturn an act, resolution, or law, this bill requires a plaintiff to prove beyond a reasonable doubt, as to the totality of the evidence and as to all parts of the evidence, that the act, resolution, or law is unconstitutional, invalid, inapplicable, or otherwise without force and effect.

This bill also requires that a plaintiff in a proceeding seeking to overturn an act, resolution, or law to serve the Attorney General with a copy of all pleadings in the action. If a court declares an act, resolution, or law unconstitutional, invalid, or without force and effect, then under this bill the Attorney General has the responsibility of notifying the Speaker of the House, the President Pro Tempore of the Senate, and the chairmen of the Senate and House Judiciary Committees.

H.3094 MALT LIQUOR CONTAINERS Rep. Altman

This bill makes it illegal to sell malt liquor in containers larger than a quart. Penalties are established for failure to comply.

H.3099 ELECTION QUALIFICATIONS Rep. Clyburn

Currently, candidates seeking nomination for the state Senate or House of Representatives must file their statement of intention of candidacy with the county executive committee of their respective party.

Under this bill, candidates would file their intention of candidacy with the county election commission. The county election commission is required to send the statements along with the appropriate filing fees to the state executive committees. The deadline for county election commissions to report all filings is 5:00p.m. on March thirtieth.

**H.3108 TRUTH IN SENTENCING / ADVISORY SENTENCING GUIDELINES
Rep. Wilkins**

This bill extends the provisions of Truth in Sentencing to all crimes in South Carolina requiring that offenders serve a minimum of eighty-five percent of their sentence. (Act 83 of 1995 provided Truth in Sentencing for only those offenses with maximum possible penalties of twenty years or more.) This bill phases out parole, and offenders who commit their crimes after the effective date of this bill will not be eligible for parole release.

This bill also establishes Advisory Sentencing Guidelines to complement Truth in Sentencing for all offenses with maximum possible penalties of one year or more. Guidelines weigh the seriousness of the current offense with the offender's prior record to determine an appropriate sentence. Generally, the Guidelines recommend longer prison sentences for more serious and violent offenders while recommending community punishments for less serious offenders.

There is a severability provision in the event any portion of the bill is found to be unconstitutional.

The provisions of this bill apply prospectively.

H.3115 CAPACITY TO STAND TRIAL Rep. Kirsh

When a person is charged with a criminal offense or civil contempt and that person is not fit to stand trial, family court and circuit court judges have the authority to order an examination of the person or have the person committed for examination. This bill gives magistrates the same authority.

When a person is unable to stand trial because of a mental condition, under this bill the court must confiscate his or her driver's license. Within five days of the confiscation of the driver's license, the court must notify the Department of Public Safety. The suspension will remain in place until the court disposes of the case.

When a person is mentally able to stand trial but has a relapse of a mental condition before the trial, under this bill the court must confiscate his or her driver's license. Within five days of the confiscation of the driver's license, the court must notify the Department of Public Safety. The suspension will remain in place until the court disposes of the case.

H.3120 STATE DNA DATABASE Rep. Sandifer

This bill requires that anyone convicted or adjudicated delinquent after June 30, 1999 of 1) homicide, or 2) assault and battery against a child by a person sixteen years of age or older must be included in the State DNA Database.

This bill requires that anyone convicted before July 1, 1999, sentenced to, and serving a term of confinement for 1) homicide, or 2) assault and battery against a child by a person sixteen years of age or older must be included in the State DNA Database.

H.3123 TOBACCO AND MINORS Rep. J. Smith

This bill makes it unlawful to sell, furnish, give, or provide a minor with cigars or rolling paper. Also, this bill provides that all violations of *South Carolina Code of Laws* §16-17-500, supplying minors with tobacco and cigarettes, must be tried in magistrate's court.

Currently, the fine for a first offense of selling, giving, or providing minors with tobacco is twenty-five dollars. This bill increases that fine to one hundred dollars. Currently, the fine for a second offense of selling, giving, or providing minors with tobacco is fifty dollars. This bill increases that fine to two hundred dollars. This bill increases the minimum fine for a third offense from one hundred dollars to two hundred dollars. Currently, the proceeds from the fines are divided between the informer and the county treasurer. Under this bill, all fines must be paid to the treasurer of the county or municipality where the conviction occurred.

This bill makes it unlawful for a minor to purchase or knowingly possess a variety of tobacco products. Exceptions are established for minors participating in the annual Youth Access to Tobacco Study and minor employees engaged in the lawful sale of tobacco products. Penalties are established for failure to comply.

H.3125 OBSCENITY Rep. Fleming

This bill removes the requirement that crimes involving obscenity must be of a multi-county nature in order for a state grand jury to have jurisdiction.

**H.3128 DISCHARGE OF FIREARMS WITHIN A ONE-HALF MILE
RADIUS OF A SCHOOL Rep. Cotty**

This bill provides that it is unlawful to discharge a firearm within a one-half mile radius of a school. Exceptions are provided for school and law enforcement functions, and penalties are established for failure to comply.

H.3132 DEATH PENALTY Rep. Haskins

Currently, there must be a unanimous vote among jurors in order to impose the death penalty. This joint resolution proposes an amendment to the State Constitution so as to remove the unanimous vote requirement. Specifically, this joint resolution proposes to allow the imposition of the death penalty when there is consent among ten or more members of the jury.

**H.3134 WOMEN'S AND CHILDREN'S EXPLOITATION ACT OF 1999
Rep. Haskins**

This bill requires written consent of the recipient before obscene material may be mailed through the United States Postal Service or through a private delivery carrier. Additionally, the packaging must be clearly labeled to indicate the contents of the material. This section is not limited to material found obscene under *South Carolina Code of Laws* §16-15-305, the definition statute for Article 3 (Obscenity, Material Harmful to Minors, Child Exploitation, and Child Prostitution). However, exceptions are provided for movies and other materials that have a rating as part of an industry-recognized rating system. Penalties are established for failure to comply.

Under this bill, it is a felony for anyone eighteen years of age or older to knowingly solicit a minor, through the use of a computer, for the purpose of obscenity or sexual activity. This section defines the term "solicit" and establishes penalties for failure to comply.

This bill increases the maximum penalty for criminal sexual conduct in the second degree from twenty to twenty-five years. This bill amends the definition of "criminal sexual conduct in the second degree" to include engaging in sexual battery with a victim under eighteen years of age, if the actor is four or more years older than the victim.

Under this bill, obscenity and material harmful to minors includes computer generated images. Also under this bill, preparing, promoting, procuring, and disseminating obscenity and material harmful to minors includes using a computer, computer service, or computer bulletin board.

Currently, the penalty for first degree exploitation of a minor is imprisonment for not less than three years and not more than ten years. This bill increases the penalty for first degree exploitation of a minor to imprisonment not less than ten years or more than twenty-five years.

This bill provides stiffer penalty guidelines, in cases of first or second degree sexual exploitation of a minor, when the minor is twelve years of age or younger.

H.3135 RIGHT TO LIFE ACT OF SOUTH CAROLINA Rep. Haskins

This bill provides that the right to due process vests at fertilization.

H.3137 WEAPONS ON SCHOOL PROPERTY Rep. Fleming

This bill expands the prohibition against weapons on school property so as to include private elementary schools, private secondary schools, and post-secondary institutions.

H.3138 ELECTION APPEALS Rep. Cobb-Hunter

This bill amends *South Carolina Code of Laws* §7-11-50, relating to the substitution of a candidate where a party nominee dies, becomes disqualified, or resigns for a legitimate nonpolitical reason. Under this bill, an appeal from an election must be to the circuit court in which the affidavit is filed.

H.3139 PRIMARY ELECTIONS CONDUCTED BY THE STATE ELECTION COMMISSION Rep. Govan

Currently, no candidate will be declared nominated in a first primary election unless the candidate received a majority of votes cast for the office. This bill provides that a party's nominee will be the candidate receiving the most votes, in excess of forty percent of the votes cast for the office, in the primary election. If no candidate receives at least forty percent of the votes in the first primary election, this bill mandates a second primary election. This bill also repeals *South Carolina Code of Laws* §7-17-610, the statute that explains what constitutes a majority vote.

H.3140 STATE GRAND JURY SYSTEM DEFINITIONS Rep. Fleming

This bill defines "public funds or public resources" so as to include any monies, whether appropriated or nonappropriated, instruments, chattel proceeds, property, or thing of value belonging to or under the custody and control of the State, county, municipality, or political subdivision. This bill also makes grammatical changes to *South Carolina Code of Laws* §14-7-1615, definition statute for Article 15 (State Grand Jury System).

H.3141 RESTRICTION ON USE OF STATE APPROPRIATED FUNDS Rep. Knotts

This bill prohibits the use of state appropriated funds to purchase goods or services from a provider located in a United States' jurisdiction where some form of gambling is legal there but illegal in South Carolina. This prohibition extends to funds appropriated to reimburse travel expenses incurred by State officers and State employees acting in their official duties.

H.3142 UNLAWFUL CARRYING OF A PISTOL Reps. Knotts and Whatley

Currently, only retired commissioned law enforcement officers who are employed as private detectives or private investigators may lawfully carry a pistol. The bill deletes the requirement that retired law enforcement officers must work as private investigators or detectives in order to lawfully carry a pistol. This bill allows all previously commissioned officers to lawfully carry a pistol.

This bill authorizes an off-duty law enforcement officer from any jurisdiction to lawfully carry a pistol in South Carolina, provided the individual meets the following eligibility requirements: 1) successful completion of the South Carolina Criminal Justice Academy's firearms qualification course, and 2) compliance with his or her employing agency's firearm policy.

This bill also makes grammatical changes to *South Carolina Code of Laws* §16-23-20, the statute relating to the unlawful carrying of a pistol and exceptions.

H.3147 REPRESENTATION OF THE STATE BY PRIVATE LEGAL SOURCES

Rep. Cobb-Hunter

Before the Attorney General may enter into a contract with a private source to provide legal representation for the State, a State agency, State department, State division, or State institution, this bill requires the Attorney General to solicit competitive bids from at least three private legal sources.

This bill creates a five-member Board of Review for purposes of establishing a roster of private legal sources that are pre-approved to bid on these contracts. This bill describes in detail the duties of the Board of Review. This bill provides the method in which board members will be chosen, and the bill provides that board members' term of office will be three years.

This bill requires the Attorney General to obtain approval from the State Budget and Control Board before entering into a contract for private legal representation of the State, a State agency, State department, State division, or State institution. This bill further states that the State Budget and Control Board may not withhold approval unreasonably.

H.3151 DEFINITION OF "CHILD" AS USED IN CONNECTION WITH CHILD ABUSE AND NEGLECT

Rep. Cobb-Hunter

Currently, the term "child" is defined as a person under the age of eighteen. In this bill the term "child" is defined as a person under the age of eighteen

LABOR, COMMERCE AND INDUSTRY

H.3029 SALE OF REGROOVED AND REGROOVABLE TIRES

Rep. Mason

This bill provides for the regulation of the sale of regrooved and regroovable tires, specifying standards of quality to which must be met in order for such tires to be lawfully sold. A "regrooved tire" is defined as a tire, either original tread or retread, on which the tread pattern has been renewed or a new tread has been produced by cutting into the tread of a worn tire to a depth equal to or deeper than the molded original groove depth. A "regroovable tire" is defined as a tire, either original tread or retread, designed and constructed with sufficient tread material to permit the tire to be properly regrooved. The bill specifies how regroovable tires are to be labeled for sale. The bill does not apply to tires intended for export outside the United States or to tires intended solely for agricultural use or off-road industrial use.

H.3047 REQUIRED COUNTYWIDE TOLL FREE CALLING Rep. Kirsh

Under this bill the Public Service Commission shall require countywide toll free calling to be provided by all telephone utilities operating within a county by July 1, 2000. Telephone utilities are required to enter into negotiations to provide for countywide toll free calling throughout their service areas. If an agreement is not reached before the deadline for implementation, the Commission shall impose its own countywide toll free calling plan.

H.3048 CALCULATION OF AVERAGE WEEKLY WAGE FOR WORKERS' COMPENSATION Rep. Kirsh

This bill revises the definition of "average weekly wage" used in calculating workers' compensation benefits so as to provide that, under no circumstances, shall a bonus given to an employee be considered as a part of the employee's earnings for the purpose of determining the employee's average weekly wage.

H.3071 COURT AWARDS TO UNINSURED MOTORISTS Rep. Kirsh

This bill provides that damages shall not be assessed in favor of an individual who is injured while operating a vehicle if, at the time of the accident, the individual did not have in effect for that vehicle the financial security required by law. The bill specifically includes an individual who has failed to register an uninsured vehicle and pay the required fee.

H.3102 INFLUENCE OF HEALTH INSURER ON PATIENT CARE Rep. Kirsh

This bill provides that a payor of health care services may not interfere with the patient evaluation, diagnostic, or treatment decisions of a physician or other licensed health care provider unless the decision is inconsistent with sound medical practice. Under the bill, all legal remedies that are available to patients to redress grievances against physicians and other health care providers are available to patients to redress grievances against health maintenance organizations that provide coverage to patients.

H.3122 TELEPHONE SOLICITATIONS Rep. J. Smith

This bill revises restrictions on telemarketers so as to provide that an individual making an unsolicited consumer telephone call must disclose the identity of the seller, that the purpose of the call is to sell goods or services, and the nature of the goods or services for sale. The bill defines a "prize promotion" and provides that, where a prize promotion is offered, the telemarketer must also disclose that no purchase or payment is necessary to be eligible to win a prize. Upon request, the telemarketer must disclose the no purchase/no payment entry method for the prize promotion. In all unsolicited consumer telephone calls, the solicitor must, upon request, provide an address where a party may send, by mail, notification which requires that the party's name and telephone number be deleted from the solicitor's in-house calling list.

H.3127 HOME-SERVICE DISTRIBUTION OF INSURANCE Rep. Cobb-Hunter

This bill imposes certain reporting requirements on those who sell insurance policies through the home-service system of distribution. In home service distribution arrangements, the seller generally markets the policy and collects the premium in the purchaser's home or workplace. The bill defines as deceptive acts certain practices in which the insurer transfers premiums without the authorization of the policy owner.

H.3149 *INSURANCE COVERAGE FOR CONTRACEPTION* Rep. Cobb-Hunter

This bill provides that an individual or group health and accident insurance plan or health maintenance organization may not exclude or restrict benefits for federally-approved contraceptive drugs or devices or outpatient contraceptive services, if the policy or plan provides benefits for other outpatient drugs, devices, or services. Such insurance policies may not discriminate against individuals or health care providers for use of such contraceptive benefits. Such insurers may not make use of rebates, incentives, different deductibles, coinsurance, or other cost sharing or limitations in a way which discourages the use of contraceptive benefits.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3045 *RENEWAL OF COSMETOLOGY LICENSES* Rep. Kirsh

Currently, individuals holding a cosmetology license are required to complete continuing education on a yearly basis in order to renew their licenses. This bill exempts individuals from the continuing education requirement when they have 1) held a license for at least fifteen consecutive years and have obtained the minimum age of sixty, or 2) held a license for at least thirty consecutive years and have obtained the minimum age of fifty. Additionally, to be eligible for the exemption the Board of Cosmetology must not have disciplined the individual.

This bill also allows individuals to obtain continuing education credit by attending trade show cosmetology-related instructional programs.

H.3052 *EXPIRATION DATES ON THE LABELS OF DRUGS* Rep. Kirsh

When a drug is dispensed by filling or refilling a written or oral prescription, this bill requires the drug label to contain an expiration date.

H.3063 *DEFINITION OF "FUNERAL MERCHANDISE"* Rep. Davenport

Presently, the definition of "funeral merchandise" includes receptacles into which a body is directly placed. Under this bill, the term "funeral merchandise" does not include caskets or other receptacles into which a body is directly placed.

H.3146 *AGENCY COMPLIANCE WITH PROGRAM STANDARDS CONTAINED IN THE DEPARTMENT OF SOCIAL SERVICES' ANNUAL BATTERED SPOUSE PLAN* Rep. Cobb-Hunter

Under this bill, if an agency, organization, or entity receives funds from the Department of Social Services (DSS) for treatment programs to help people who commit domestic violence, then the agency, organization or entity must comply with the program standards contained in DSS' annual Battered Spouse State Plan.

WAYS AND MEANS

H.3004 *PROPOSED CONSTITUTIONAL AMENDMENT AUTHORIZING A STATE-CONDUCTED LOTTERY* Rep. Scott

This joint resolution proposes an amendment to the SC Constitution authorizing a state-conducted lottery. The revenues from such a lottery would be used for nonrecurring expenses for K-12 public education and for funding scholarships for higher education.

H.3005 "SC LOTTERY FOR EDUCATION ACT" Rep. Scott

This bill is the implementing legislation for the state-conducted lottery proposed in **H.3004** (see above). Proceeds from this lottery are to be used to support "educational purposes and programs," which are defined in the bill (definition principally includes public education expenses and college scholarships).

H.3005 creates the SC Lottery Corporation (the corporation), a public corporation which is not a state agency and which is governed by a Board of Directors (the board) who are appointed by the Governor. The bill specifies the organization, powers, and duties of the corporation, including a provision that the day-to-day technical and administrative operations of the corporation are directed by a chief executive officer appointed by the board. The bill also creates and assigns terms and responsibilities to a Lottery Retailers Advisory Board, composed of lottery retailers who advise the corporation board on retail aspects of the lottery and who present the concerns of lottery retailers throughout the State.

The bill includes provisions for the proceeds of the lottery, including a requirement that 50% of the money from the sale of tickets must be used for prize money and a requirement that after the first several years of the lottery, the net proceeds must equal as near as possible to 40% of the lottery proceeds.

The bill creates the Lottery for Education Account, which is where the net proceeds will be deposited as provided in the bill. The bill also requires the creation and maintenance of a shortfall reserve account within the Lottery for Education Account, and provides for how these shortfall funds may be used. The bill also provides for appropriations from the Lottery Account, budgeting of lottery proceeds, methods of contracting with vendors and retailers, legislative oversight, and set-off debt collection from prize winnings. The bill also makes certain lottery-related acts a crime and provides penalties.

H.3006 SALES TAX EXEMPTIONS Rep. Harvin

This bill exempts from sales tax tangible personal property sold to an institution of higher learning located in South Carolina.

H.3009 REVISIONS TO BINGO TAX ACT OF 1996 Rep. Sheheen

This bill amends the *SC Code of Laws*, Article 24, Chapter 21 of Title 12, also known as the *Bingo Tax Act of 1996*. This Article, relating to the regulation of bingo games, became effective on October 1, 1997. The Article currently provides, among other items, that the game of bingo is not a lottery if it is conducted under specified conditions by certain charitable, religious, or fraternal nonprofit organizations, or by certain annual state or county fairs. **H.3009** amends the Article so as to provide that the game of bingo is a lottery *unless* the game is conducted by a religious organization.

The bill also provides that a religious organization which obtains a license to operate a game of bingo may not employ a promoter or agent to manage, operate, or conduct the game, and requires that at least ninety percent (current law requires fifty percent) of the gross proceeds of the sale of bingo cards taken in by the house during a single session must be returned to the players in the form of prizes. Also, a religious organization may not operate or cause the operation of bingo outside the county in

which it maintains a church facility and each church facility may operate or cause the operation of only one game of bingo.

The bill allows only a "Class E" license, which authorizes the holder to impose a five dollar entrance fee. The entrance fees collected would not be required to be remitted as taxes and would not be included in gross proceeds for purposes of the prize limitations provided under current law. The bill also reduces the penalty for violation of the Article from a maximum of Five Thousand Dollars and license revocation at the discretion of the Department of Revenue, to a maximum of Five Hundred Dollars and license revocation at the discretion of the Department of Revenue.

H.3012 LOTTERIES FOR CHARITABLE PURPOSES Rep. Mason

This bill exempts a person or organization which conducts a lottery, bingo, raffles, and other similar activities intended to raise money for charitable purposes from prosecution under SC Code of Laws Section 16-19-10 (which relates to the crime of setting up a lottery).

H.3013 PROPOSED CONSTITUTIONAL AMENDMENT RE BINGO Rep. Sheheen

This joint resolution proposes an amendment to Article XVII, Section 7, of the SC Constitution. This Article provides that the game of bingo, when conducted by charitable, religious, or fraternal organizations or when conducted at recognized annual state and county fairs is not a prohibited lottery. H.3013 proposes a referendum asking voters if this Article should be amended so as to provide that the game of bingo may be conducted *only* by a religious organization.

**H.3014 PROPOSED CONSTITUTIONAL AMENDMENT CREATING
A LOTTERY Rep. Govan**

This joint resolution proposes an amendment to the SC Constitution authorizing a state-run lottery, with the proceeds to be used for K-12 public education and for college tuition grants for students with a minimum "B" average.

H.3022 STATE PROPERTY TAXATION ON BOATS Rep. Witherspoon

This bill provides that a boat on which the interest portion of and indebtedness is or would be deductible under the Internal Revenue Code as an interest expense on a qualified primary or secondary residence is also deemed to be a primary or secondary residence for purposes of South Carolina *ad valorem* property tax, and is considered real property for these purposes. The bill also caps the *ad valorem* yearly maximum tax on such a boat at \$1,500.

H.3028 PROPERTY TAX EXEMPTION FOR LEGALLY BLIND Rep. Littlejohn

This bill provides a property tax exemption for one personal motor vehicle owned or leased by a person who is legally blind. The bill also provides a definition of "legally blind."

H.3037 TAX INCREMENT FINANCING FOR COUNTIES ACT Rep. Miller

This bill, which if passed would be effective upon ratification of a constitutional amendment to Section 14, Article X of the SC Constitution, authorizing counties to incur indebtedness for redevelopment projects, provides for implementation of such authorization and provides for the payment of such indebtedness from added

increments of tax revenues. The bill defines "redevelopment projects" as any buildings, improvements, including street improvements, water, sewer and storm drainage facilities, parking facilities, and recreational facilities. Also, the bill provides that any project authorized under SC Code of Laws Section 6-21-50 (*Revenue Bond Act for Utilities - Authorized Public Works Which May be Purchased or Constructed*) may also qualify as a redevelopment project. All such projects are to be owned by the county. The bill also provides that the millage rate for an area under the Tax Increment Financing Law will be calculated using the base assessment of the Tax Increment Financing Law should a municipality annex into a Tax Increment Financing District.

H.3038 PERFORMANCE PAY INCREASES FOR STATE EMPLOYEES Rep. Martin

This bill, effective for fiscal years beginning in 1999-2000, relates to performance pay increases for state employees. The bill provides for a pay increase of three percent for an employee who meets performance requirements, and provides that an employee whose performance "exceeds" or "substantially exceeds" performance requirements may receive an increase greater than three percent, but not exceeding the pay band maximum. The bill also provides that employees who are rated "below performance requirements" may not receive increases and are subject to removal from the position.

H.3046 INSURANCE COVERAGE FOR PRESCRIPTION DRUGS Rep. Martin

This bill provides that participating pharmacies of the state health plan shall bill the state health plan's drug program for reimbursement after employees eligible for reimbursement have met their plan deductible. The bill also provides that state employees covered by the drug prescription plan shall pay the copayment to the participating pharmacy at the time the prescription is filled.

H.3051 VIDEO POKER BAN Rep. Kirsh

This bill bans video poker machines in South Carolina, effective June 1, 2000. The bill also provides that any license for a video poker machine issued for a license period beginning after May 31, 1999, is valid only through May 31, 2000, and the fee for this license is four thousand dollars. Penalties which may include fines and/or imprisonment are provided for persons who violate the provisions of the bill.

H.3053 EXEMPTIONS FROM AD VALOREM PROPERTY TAXATION Rep. Kirsh

This bill provides an exemption from *ad valorem* property taxation for a percentage of the fair market value of certain private passenger motor vehicles, motorcycles, or motor-driven cycles. The exemption is phased in beginning in June, 1999, and will be fully phased in by June 2008. The bill also provides for reimbursement to taxing entities for taxes not collected because of the exemption provided in the bill.

H.3060 SALES TAX EXEMPTIONS FOR FOOD ITEMS Rep. Kirsh

This bill provides a sales tax exemption for food items eligible for purchase with US Department of Agriculture food coupons, limited to twenty percent of the gross proceeds of sales or sales price of these items.

H.3061 SC INTERNET TAX FREEDOM ACT Rep. Kirsh

This bill prohibits the State or any political subdivision from taxing or imposing fees on Internet or interactive computer services or the use of the Internet or interactive computer services. This prohibition does not apply to state income taxes on net income derived from the Internet or interactive computer services, nor does it apply to business

license taxes applied to businesses that have a business location in counties and municipalities. The prohibition also does not affect the authority of the State to impose a sales or use tax on sales or other transactions effected by use of the Internet or interactive computer services under specified circumstances.

H.3064 REAL PROPERTY ASSESSMENT AND TAXATION Rep. Rodgers

This bill requires the value and use of real property on which there is new construction to change when the certificate of occupancy is issued on the structure, and provides that a prorated tax bill be issued for the property for the tax year. The bill also allows the owner of improved real property destroyed or damaged by fire or natural disaster to obtain an immediate reassessment of the property; provides for a prorated tax bill to be issued, and provides for an appeals process. The bill also requires a closing attorney to notify a purchaser of residential property of the requirements for the purchaser, if eligible, to obtain the residential and homestead exemptions from property tax.

H.3065 QUALIFICATION FOR 1995 ENTERPRISE ZONE ACT BENEFITS Rep. McGee

This bill provides that a business may not qualify for benefits pursuant to the Enterprise Act of 1995, in connection with a project created solely by the transfer within the previous twelve months of the business location from one site in a county of South Carolina to a new site in another county. The bill also provides for certification to this effect by the Advisory Coordinating Council for Economic Development.

H.3070 TAXING OF VIDEO POKER Rep. Kirsh

This bill imposes a tax rate of 50% on the net income derived from video poker machines, and provides for method and time of tax payments. The bill also provides that the first \$150 million dollars in revenue from this tax must be used for public school construction and renovation and the balance of the revenue must be used to reduce school class size in grades K-5.

H.3077 DISTRIBUTION OF "C" FUNDS Rep. Rodgers

This bill amends provisions in the SC Code of Laws relating to the distribution of "C" funds, which are funds derived from the two and sixty-six one-hundredths cents a gallon gasoline tax. Currently, "C" fund expenditures must be approved by and used in furtherance of a countywide transportation plan, which is adopted by the County Transportation Committee. The bill provides changes in the appointment of the County Transportation Committee, and provides for terms of service, attendance requirements, and powers of these members regarding expenditure of monies.

H.3080 FUNDING FOR VIETNAM VETERANS OF AMERICA, INC. Rep. J. Smith

This bill requires that, beginning with fiscal year 1999-2000, appropriations by the General Assembly to veterans' organizations must include an appropriation in a like amount and under the same terms and conditions to the Vietnam Veterans of America, Inc. The bill also provides that such an appropriation must be in addition to amounts previously appropriated for other veterans' organizations.

H.3081 AUTHORIZATION FOR A LOTTERY Rep. Spearman

This joint resolution proposes an amendment to the South Carolina Constitution authorizing a lottery conducted by the State, with no more than six percent of total lottery revenues used for lottery administration and at least fifty percent of such revenues awarded in prizes. The remaining revenues would be credited to a separate

"Education Improvement Account," with account proceeds used only for education improvements as provided by the General Assembly.

H.3084 SOUTH CAROLINA RETIREMENT SYSTEM Rep. Wilder

This bill includes in the definition of "employee," for purposes of the S.C. Retirement System, a student employed in a state college, university, or educational institution of higher learning at which the student is enrolled.

H.3085 STATE EMPLOYEES' ANNUAL LEAVE Rep. Wilder

This bill provides for a lump-sum payment for unused annual leave, not to exceed forty-five days and without regard to leave taken in the calendar year, for a state employee who is terminated due to a reduction in force. Current law provides for such lump-sum payments only upon the state employee's retirement or death.

H.3090 PROPERTY TAX EXEMPTIONS Rep. Altman

This bill exempts from property taxation the home and lot of a former prisoner of war or Medal of Honor winner, and provides conditions under which the exemption continues for a surviving spouse.

H.3100 RETIREMENT INCOME TAX DEDUCTIONS Rep. Clyburn

This bill increases from \$10,000 to \$15,000 the maximum amount of retirement income which may be deducted from taxable income by a taxpayer over age sixty-five.

H.3101 STATE SALES TAX EXEMPTIONS Rep. Davenport

This bill adds to the list of items exempted from state sales tax, the sales of hospital beds, wheelchairs, and eye glasses and contact lenses if required by a physician.

H.3104 STATE SALES TAX EXEMPTIONS Rep. Davenport

This bill adds to the list of items exempted from state sales tax, the gross proceeds of sales or sales price of food items eligible for purchase with U.S. Department of Agriculture food coupons, not including restaurant meals.

H.3105 TWENTY-FIVE YEAR RETIREMENT STUDY COMMITTEE Rep. Govan

This joint resolution establishes the Twenty-Five Year State Retirement Study Committee and provides for its membership, duties, and issues to be addressed. The resolution requires that the committee report its findings and conclusions to the General Assembly by October 15, 1999, and the committee is abolished after it makes its report, or on October 15, 1999, whichever date comes first.

H.3110 AUTHORIZATION FOR A LOTTERY Rep. R. Smith

This joint resolution proposes an amendment to the South Carolina Constitution authorizing lotteries conducted by the State in the manner that the General Assembly provides by law, with net proceeds to be used for education purposes in the manner the General Assembly provides by law.

**H.3112 SCHOOL DISTRICTS' REIMBURSEMENT FOR HOMESTEAD
EXEMPTION REVENUE LOSS Rep. Cobb-Hunter**

This bill provides that ninety percent of the reimbursement to school districts for the revenue lost as a result of the homestead exemption must be paid in the last quarter of

the calendar year. Current law requires that ninety percent of the reimbursement must be paid in the last quarter of the calendar year on December 1.

H.3113 REIMBURSEMENTS FROM PROPERTY TAX

RELIEF FUND Rep. Cobb-Hunter

This bill provides that taxing districts, not just school districts as provided under current law, must be reimbursed from revenues credited to the State Property Tax Relief Fund. The bill provides that the reimbursement must be on a *per capita* basis. The bill also provides that if amounts received by a school district pursuant to this distribution are insufficient to reimburse fully for the base year operating millage, the local school board, within its authority, shall decide how to make up the shortfall.

H.3116 SC RETIREMENT SYSTEM/SERVICE IN ARMED

FORCES RESERVES Rep. Lanford

This bill provides that service in the selected reserve of any of the reserve components of the Armed Forces of the United States is considered to be active military duty for purposes of establishing creditable service in the South Carolina Retirement System, the Retirement System for Members of the General Assembly, and the Police Officers' Retirement System. The bill also provides requirements for establishing such service.

H.3117 EMPLOYMENT SECURITY CONTRIBUTIONS Rep. Haskins

This joint resolution provides that, with respect to employment security contributions, each employer subject to the general rate of payment provisions included in Title 41 of the SC Code of Laws shall pay for the period of 1/1/99 through 12/31/99 at a contribution rate equal to fifty percent of the contribution rate determined for the period 1/1/97 through 12/31/97.

H.3118 STATE EMPLOYMENT COMPENSATION FUND Rep. Haskins

This bill adds to the *SC Code of Laws* a section providing for the applicable contribution rates with respect to the computation of the statewide reserve ratio for employer contributions to the State Unemployment Compensation Fund, for the period 1/1/99 through 12/31/99, and for each such annual period thereafter. The rates as provided in the bill are based on the resultant percentage of the employer's reserve balance divided by the annual payroll.

H.3121 SELECTIVE SERVICE STATUS Rep. Witherspoon

This bill adds to the *SC Code of Laws* a section prohibiting a male eighteen years or older from obtaining employment with the State or a political subdivision of the State unless the person is in compliance with the Federal Military Selective Service Act. The bill also adds to the *SC Code of Laws* a section which prohibits an individual from receiving a loan, grant, scholarship, or other financial assistance funded by State revenue, Federal funds, or gifts and grants accepted by the State or from receiving a student loan guaranteed by the State unless the individual files a statement of selective service status.

H.3124 SALE OF SC PUBLIC SERVICE AUTHORITY Rep. Haskins

This joint resolution requires that by July 1, 1999, the State Budget and Control Board must issue a request for proposals (RFP) soliciting bids for the purchase of the SC Public Service Authority (the Authority) by a third party from the State of SC. The resolution provides minimum criteria which must be included in the RFP, and requires

that on or before January 1, 2000, the Budget and Control Board must accept the highest bid which meets the criteria. The resolution requires that the Authority cooperate with the Budget and Control Board and with interested bidders in regard to the RFP, including a provision that the Authority must certify its assets and liabilities, its income statements for the last five years, and its balance sheet to the Budget and Control Board by June 1, 1999. The resolution provides that if a majority of the Budget and Control Board members vote that the Authority has failed to meet these requirements, the payments by the Authority to the state general fund (as required under current law) for the year 2000 will be increased by 100% over those paid for the year 1999. Additionally, the resolution provides that the appropriate court may issue a writ requiring the Authority to comply with the requirements of the resolution and citing the Authority for civil contempt for failure to perform. The resolution provides that the revenue from any sale must be deposited into a special fund separate from the general fund, to be known as the "*South Carolina Educational Trust Fund*," and the resolution provides for management and administration of this fund and for withdrawals of principal from the fund. Upon consummation of the purchase and sale, Title 58, Chapter 31 of the *SC Code of Laws (SC Public Service Authority)* would be repealed.

**H.3126 SC COMMUNITY DEVELOPMENT CORPORATIONS AND
FINANCIAL INSTITUTIONS COMMISSION Rep. Cobb-Hunter**

This bill creates the SC Community Development Corporations and Financial Institutions Commission (the Commission), whose purpose is to follow procedures specified in the bill to certify entities as *community development corporations* and as *community development financial institutions*. The Commission is also created to make grants and loans to these entities from funds made available by the General Assembly or by other available funds, to oversee and assist implementation of funded projects, and to report annually to the General Assembly.

The bill defines *community development corporation* as a non-profit, 501(c)(3) corporation whose mission is to develop and improve low-income communities and neighborhoods through economic and related development. Also, community development corporations are defined as having a primary function of developing projects and activities which enhance the economic opportunities of the people in the community served. Community development corporations do not provide credit, capital, or other assistance from public funds in an amount greater than twenty-five thousand dollars per transaction.

The bill defines a *community development financial institution* as an organization that promotes (statewide) community development by providing credit, capital, or development services to small businesses or home mortgage assistance to individuals, including but not limited to, capital access programs, microlending, franchise financing, and guaranty performance bonds. These institutions may not be agents or instrumentalities of the United States, or of a state or political subdivision of a state. Community development financial institutions must maintain a goal of providing services to low-income individuals, minorities, females, or rural areas, and they must provide capital and technical assistance to small and micro businesses, or mortgage assistance to individuals. They may not provide credit, capital or other assistance of more than two hundred fifty thousand dollars in one transaction.

The bill provides for appointment of a seven member body to govern the Commission and provides for the members' terms, funding, responsibilities, and operation. The Commission will cease to exist on 7/1/04 unless further authorized by the General Assembly.

The bill also provides a tax credit equal to fifty percent of a taxpayer's investment in a community development corporation or financial institution, up to a maximum of ten million dollars for all taxpayers for all taxable years.

H.3129 EARLY RETIREMENT BENEFITS Rep. Lanford

This bill eliminates the special benefit reduction factor applied to the benefits paid an early retiree when the member, before retiring, makes a lump sum payment to the system in an amount equal to twenty percent of the member's earnable compensation for each year of creditable service less than thirty or the average of the member's twelve highest consecutive fiscal quarters of compensation at the time of payment, whichever is larger. The bill requires that the member must retire not more than ninety days after the date of the payment.

H.3130 STATE INSURANCE PLANS/TEMPORARY EMPLOYEES Rep. Cobb-Hunter

This bill provides that certain temporary state agency employees are eligible for the State health and dental insurance group plan, and prohibits discrimination in hiring on the basis of this eligibility.

H.3133 STATE FUNDING/ABORTION Rep. Haskins

This bill prohibits state funding to an institution, agency, or organization that promotes, provides, or refers for abortion. An exception is provided in certain cases of abortions performed to save the life of a mother.

H.3143 STATE COLLEGES & UNIVERSITIES' TUITION Rep. Cobb-Hunter

This joint resolution freezes tuition and fees at state-supported colleges, universities, and technical colleges at their 1998-99 academic year levels until the General Assembly permits their increases therein.

H.3144 SALE OF STATE FLEET VEHICLES Rep. Cobb-Hunter

This bill requires that, before a state fleet sedan or station wagon is disposed of, the vehicle must be offered for purchase to heads of households receiving Aid to Families with Dependent Children (AFDC) or to public or private nonprofit agencies working with families in becoming self-sufficient.

H.3145 EXEMPTIONS FROM AD VALOREM TAXATION Rep. Cobb-Hunter

This bill provides an exemption from *ad valorem* taxation for a mobile home which is occupied as a legal residence by an owner who is at least sixty-two years of age.

**H.3148 REDEMPTION OF PROPERTY SOLD FOR
DELINQUENT TAXES Rep. Cobb-Hunter**

This bill eliminates the requirement for interest to be paid on the whole amount of the tax sale bid by the redeeming taxpayer, grantee, or mortgage or judgment creditor on property which is redeemed after having been sold for delinquent taxes.

H.3150 SC RETIREMENT SYSTEM CREDIT Rep. Allison

This bill amends current law regarding establishment of credit in the S.C. Retirement System for prior service as an employee of a municipality which is not a covered employee of the system. The bill extends the current method of establishing service credit to a former employee of any political subdivision of the state which is currently not a covered employee.

H.3152 SERVICE CREDITS IN SC RETIREMENT SYSTEMS Rep. Cobb-Hunter

This bill allows a member of the SC Retirement System and the SC Police Officers' Retirement System to establish service credit for military service performed after 1975, provided that member makes the payment required to establish federal civilian service. Current law prohibits receipt of service credit for active military duty performed after 12/31/75. The bill provides that all other restrictions applicable to establishing credit for military service apply to the military service established pursuant to this payment.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (www.lpitr.state.sc.us) and click on the "Quick Find Guide." On the next screen, click on "Legislative Updates." This will list all of the *Legislative Updates* by date. Click on the date you need.

SPECIAL NOTE: A cumulative index to the weekly issues of the *Legislative Update* has been added to the *Legislative Update* page on the Worldwide Web. Bills are listed in numerical order in this index. Each bill number is followed by a list of hypertext links (in chronological order) to every reference to that bill in any issue of the *Legislative Update* during the current session, 1999-2000. This is an easy way (just click on the links) to find summaries of bills introduced into the House and to follow the progress of a bill through House committees and on the floors of the House and the Senate.